

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT BECKLEY**

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 5:15-cr-00033

RHINELANDER HERNANDEZ

**MEMORANDUM OPINION AND ORDER**

Pending is Defendant Rhinelander Hernandez’s *pro se* Letter Form Motion for Early Termination of Supervised Release [Doc. 165], filed June 21, 2024. The Government does not oppose the motion inasmuch as Mr. Hernandez should remain on supervised release until he fulfills two years of supervision, which would equate to on or about, December 30, 2024. [Doc. 167].

**I.**

On December 2, 2015, following his guilty plea to distribution of heroin in violation of 21 U.S.C. § 841(a)(1), Mr. Hernandez was sentenced to 120 months imprisonment, followed by a 5-year term of supervised release. [Doc. 46]. Mr. Hernandez began serving his term of supervision on December 30, 2022. Mr. Hernandez now moves for early termination of his supervised release inasmuch as he “satisfies all the factors set forth for early termination.” [Doc. 165 at 2]. Specifically, he provides that he “has completed all the terms of supervision and has no need for programming or treatment. He has no special condition.” [*Id.*]. Mr. Hernandez has “steady employment, residence, and family life.” [*Id.*]. Mr. Hernandez works in Berry, Alabama, for

Roger's Electrical Company, which requires significant travel.

The Government consulted with the United States Probation Officer and both “agree[d] that while he has conducted himself admirably since entering the out-patient program, Defendant continues to benefit from supervision.” [Doc. 167 at 2]. Moreover, while “[h]e has thus far refrained from drug use, . . . he has only maintained full-time employment for approximately five months.” [*Id.*]. Notably, both the United States and Probation Officer agree that “early termination would be appropriate once Defendant has served two years of his term of supervised release which would be on or about December 30, 2024.” [*Id.* at 2-3]. The Government asserts that requiring Mr. Hernandez to complete at least two years of his five-year term “would accommodate the community reintegration purposes of supervised release while still recognizing the injustice of his original sentence as found by this Court when it granted his motion for compassionate release.” [*Id.* at 3].

In sum, both the Government and Probation are in accord that Mr. Hernandez's motion for early termination of his supervised release is meritorious if he serves two years.

## II.

Pursuant to 18 U.S.C. § 3583(e), a court may, after consideration of the applicable Section 3553(a) factors, “terminate a term of supervised release and discharge the defendant at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1); *see also United States v. Pregent*, 190 F.3d 279, 283 (4th Cir. 1999).

Mr. Hernandez has completed approximately 22 months of his supervised release term without major incident and has demonstrated his dedication to maintaining a law-abiding lifestyle. After careful consideration of the applicable Section 3553(a) factors, the information

provided by the Government's response, and the position of the Court's Probation Officer, early termination of Mr. Hernandez's supervised release is warranted. The Court **FINDS** that Mr. Hernandez's conduct and the interests of justice support early termination of his supervised release on or about December 30, 2024.

**III.**

Accordingly, the Court **GRANTS AS MOULDED** Mr. Hernandez's *pro se* Letter Form Motion for Early Termination of Supervised Release [**Doc. 165**] and **TERMINATES** Mr. Hernandez's supervised release term **EFFECTIVE** on December 30, 2024.

The Clerk is directed to send a copy of this written opinion and order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: October 18, 2024



*Frank W. Volk*

Frank W. Volk  
Chief United States District Judge